

House File 2116 - Introduced

HOUSE FILE 2116

BY WILLS

A BILL FOR

1 An Act to prohibit counties and cities from limiting or
2 restricting enforcement of federal immigration laws.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.304, Code 2016, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11. *a.* An official or governing authority
4 of a county shall not limit or restrict the enforcement of any
5 federal immigration law to less than the full extent permitted
6 by federal law.

7 *b.* Except as provided in federal law, an official or
8 governing authority of a county shall not be prohibited or in
9 any way be restricted from sending, receiving, or maintaining
10 information relating to the immigration status, whether lawful
11 or unlawful, of any individual or exchanging that information
12 with any other federal, state, or local governmental entity for
13 the following official purposes:

14 (1) Determining eligibility for any public benefit,
15 service, or license provided by any federal, state, local, or
16 other governmental subdivision of this state.

17 (2) Verifying any claim of residence or domicile by an
18 individual if determination of residence or domicile is
19 required under the laws of this state or a judicial order
20 issued pursuant to a civil or criminal proceeding in this
21 state.

22 (3) If the individual is not a citizen of the United States,
23 determining whether the individual is in compliance with the
24 federal registration laws prescribed by 8 U.S.C. §§1301-1306.

25 (4) Pursuant to 8 U.S.C. §1373 and 8 U.S.C. §1644.

26 Sec. 2. Section 364.3, Code 2016, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 11. *a.* An official or governing authority
29 of a city shall not limit or restrict the enforcement of any
30 federal immigration law to less than the full extent permitted
31 by federal law.

32 *b.* Except as provided in federal law, an official or
33 governing authority of a city shall not be prohibited or in
34 any way be restricted from sending, receiving, or maintaining
35 information relating to the immigration status, whether lawful

1 or unlawful, of any individual or exchanging that information
2 with any other federal, state, or local governmental entity for
3 the following official purposes:

4 (1) Determining eligibility for any public benefit,
5 service, or license provided by any federal, state, local, or
6 other governmental subdivision of this state.

7 (2) Verifying any claim of residence or domicile by an
8 individual if determination of residence or domicile is
9 required under the laws of this state or a judicial order
10 issued pursuant to a civil or criminal proceeding in this
11 state.

12 (3) If the individual is not a citizen of the United States,
13 determining whether the individual is in compliance with the
14 federal registration laws prescribed by 8 U.S.C. §§1301-1306.

15 (4) Pursuant to 8 U.S.C. §1373 and 8 U.S.C. §1644.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill prohibits an official or governing authority of
20 a county or city from limiting or restricting the enforcement
21 of any federal immigration law to less than the full extent
22 permitted by federal law.

23 The bill also provides that an official or governing
24 authority of a county or city shall not be prohibited or in
25 any way be restricted from sending, receiving, or maintaining
26 information relating to the immigration status, whether lawful
27 or unlawful, of any individual or exchanging that information
28 with any other federal, state, local, or other governmental
29 entity for certain purposes listed in the bill, except as
30 provided in federal law.